

Message

From: Labbe, Ken [Labbe.Ken@epa.gov]
Sent: 1/19/2021 5:09:15 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: Daily Media Clips January 19, 2021 (morning edition)

Daily News Clips, January 19, 2021 (morning edition)

Agency

Clean Technica: 5 (Recent) Actions That Epitomize Andrew Wheeler's Caustic Chemical Safety Legacy

Chemicals

Globe Newswire: C-Bond Systems' MB-10 Tablets Receive EPA Label Use Designation for Transportation Applications in the Fight Against COVID-19

RFS

DRG: EPA takes RFS-related actions to help farmers and refiners

Water

Inside EPA: Environmentalists sue EPA in bid to force stricter lead and copper rule

South Pittsburgh Reporter: The U.S. Environmental Protection Agency invites PWSA to apply for WIFIA Water Infrastructure Loan

Water Tech Online: EPA approves new commission for Texas NPDES program

5 (Recent) Actions That Epitomize Andrew Wheeler's Caustic Chemical Safety Legacy

<https://cleantechnica.com/2021/01/19/5-recent-actions-that-epitomize-andrew-wheelers-caustic-chemical-safety-legacy/>

January 19th, 2021 by Guest Contributor

Courtesy of Union Of Concerned Scientists.

By Genna Reed, Lead science and policy analyst

As peoples' minds have rightfully been on the state of our democracy and the Trump administration has been shedding agency heads left and right after inciting insurrection, the EPA's administrator, Andrew Wheeler, has stuck around to finalize a long list of destructive items that represent the administration's agenda all along: industry profits over public health.

Specifically, in its final days, the administration has taken a wrecking ball to the scientific basis for public protections against hazardous chemicals. Wheeler even had the gall to promote the EPA's Environmental Justice report, after we know that under his leadership, longstanding inequities have been neglected or made even worse. For example, environmental contaminants have not been as readily cleaned up at Superfund sites in communities of color. And Wheeler has weakened safety assessments of harmful chemicals by failing to use the best available science, which means fewer protections for those already carrying the burden of environmental toxins.

It's important to note that behind each of these actions there are EPA career scientists doing important work at the agency, but who have been thwarted by political officials at the EPA or the White House at different stages of the process.

Here are just five actions from the past two weeks that illuminate the Trump administration's toxic legacy on chemical safety:

#1: Reversed course on bans for TCE, NMP, and Methylene Chloride

In today's federal register, the EPA announced its intention not to finalize several bans proposed by its own staff under the Obama administration for three highly toxic chemicals: TCE, NMP, and methylene chloride. Over the past few years, the Trump administration has actively worked to delay or weaken these proposed bans and then reassess the chemicals using methods that were criticized by its own Scientific Advisory Committee on Chemicals. Last year, the White House

was inappropriately involved in rewriting the EPA's risk evaluation for TCE (a chemical used in dry cleaning and vapor degreasing facilities which can cause cancer and has development effects), downplaying the association between exposure and fetal heart defects. In 2019, the EPA issued a partial ban on methylene chloride (a chemical used in paint strippers linked to cancer and can be acutely lethal) for consumer uses, failing to adequately protect workers at risk of illness and death.

In response, the Environmental Defense Fund's lead senior scientist, Richard Denison, stated that "It appears that blocking these bans and denying crucial protections to workers and consumers for four years was not enough for the Trump EPA. This shameful move that epitomizes the Trump EPA's concerted attacks on public health is a transparent attempt to further constrain the incoming administration. It is yet another stain on Mr. Wheeler's dismal record."

#2: Pressured scientists to weaken PFBS risk assessment

A Politico story on Wednesday reported on news from internal EPA sources that risk assessment for PFBS (a short-chain PFAS replacement for PFOS used in firefighting foam, food packaging, and other products) was significantly weakened by issuing a range for reference doses rather than a single number. The change was made by staffers in the agency's pesticides office at the direction of political officials, not the career scientists at the EPA who have been working on this assessment for years. In fact, several of those scientists would not put their names on the document as a result.

Typically, the EPA's IRIS program conducts a systematic review of the best available evidence and suggests a single reference dose (RfD), which is the amount of something one can be exposed to in the short-term (acute) or long-term (chronic), which is likely to result in a low risk of negative health effects. The inclusion of a range of values is something that industry has been advocating for because it allows states to pick the preferable end of the range to set their standards, possibly ignoring risks to the most sensitive populations. This also has the fingerprints of Nancy Beck and tracks all the way back to her highly-criticized attempt to meddle with risk assessments while working at OIRA in this 2006 Draft Bulletin.

The additional White House review that this document was purportedly subject to opens it and future scientific documents up to political scrutiny and more delay. This is an unacceptable outcome for a scientific document that would serve to help states and the EPA set standards to protect all of us from the dangers of this PFOS-substitute in drinking water.

#3: Weakened guidance on PFAS in imported products

On Monday, The Hill reported on documents they obtained that revealed White House Office of Information and Regulatory Affairs (OIRA) interference in the EPA's guidance on PFAS imports. The guidance sent to OMB weighed banning the import of products containing PFAS in any part of a product, but OMB's significant and substantive changes limited the ban to only products coated with PFAS. As Melanie Benesh from Environmental Working Group illustrates, "Products disintegrate over time, so if you have something with PFAS on the inside then you may be exposed over time. As it dissolves it gets into household dust, eventually it gets thrown away in a landfill and can leach PFAS and get into the environment that way." OIRA's involvement in evaluating guidance documents is a Trump administration overreach into agency discretion on matters on which the agency has extensive expertise.

#4: Denied North Carolina petition for industry to pay for testing of PFAS-contaminated water

Late last week, the EPA denied a petition submitted in October by Center for Environmental Health, Clean Cape Fear River Watch, Clean Cape Fear, Democracy Green, Toxic Free NC, and the NC Black Alliance. It simply asked the agency to use its authority under the Toxic Substances Control Act (TSCA) to require Chemours, a PFAS polluter based in NC, to submit testing data and fund independent health studies to determine the exposure risks of 54 PFAS present in the Cape Fear

River watershed. The denial letter speaks to the problems inherent to our chemical regulatory system that allow the release of chemicals without adequate evidence of their safety and with no requirements for industry to pay for further testing or independent review.

The great irony is that TSCA allows for these massive data gaps, fails to require industry to fill them, and then uses them as a justification for being unable to set health-protective standards.

This action also speaks to Wheeler's utter failure to listen to the needs of impacted communities. La'Meshia Whittington, campaign director for the North Carolina Black Alliance stated, "It's preposterous that the EPA has chosen to dilute the intent of the petition and prioritize corporate interest over the needs of the communities affected in North Carolina. This decision reflects the environment the outgoing administration created, poison over our health and profit over the people. We won't stop here. We will continue to fight against our water being poisoned, and children left without a basic human right of access to clean water."

#5: Finalized the flawed restricting science rule

On January 6th, the EPA announced its final rule that dramatically restricts the science the agency can consider in rulemaking. It would downweight studies that rely on any nonpublic data — including studies involving private medical records, interfering with many key public-health studies the agency relies on to set safeguards for chemicals. This rule was issued despite opposition from the scientific community and nearly one million comments overwhelmingly against its finalization. It was also issued and made immediately effective, which goes against typical procedure of a 30-day finalization window. A new lawsuit from the Environmental Defense Fund, The Montana Environmental Information Center, and Citizens for Clean Energy are challenging the legality of the process by which it was rushed through the door at the 11th hour.

In response, UCS' Center for Science and Democracy Director Andrew Rosenberg stated that, "It's even more egregious that EPA has chosen to finalize these restrictions on science during the worst public health crisis in our lifetimes. This rule would interfere with the agency's urgent, ongoing work on a range of issues — including links between environmental factors and COVID-19, the impacts of wildfire smoke on public health, and the effects of the pesticide chlorpyrifos on children — by undermining the EPA's ability to use the best available science. It's a willful decision to throw away the exact tools the agency needs now."

The new administration must follow the science

President-elect Biden has repeatedly said his administration will listen to the science and that science will guide policy decisions. UCS will hold him to this promise and fight to reverse all of the many damaging changes that have been made to undermine science-based assessments and related policies at the EPA. We look forward to working with the incoming administration to undo these destructive policy decisions. New leadership at the EPA must commit to listening to its scientists, upholding scientific integrity, and using the best available science to craft policies that protect everyone's health and safety.

.....

C-Bond Systems' MB-10 Tablets Receive EPA Label Use Designation for Transportation Applications in the Fight Against COVID-19

<https://www.globenewswire.com/fr/news-release/2021/01/19/2160639/0/en/C-Bond-Systems-MB-10-Tablets-Receive-EPA-Label-Use-Designation-for-Transportation-Applications-in-the-Fight-Against-COVID-19.html>

MB-10 is a broad spectrum disinfectant effective against a wide range of bacteria and viruses, including SARS-CoV-2, which causes COVID-19

HOUSTON, Jan. 19, 2021 (GLOBE NEWSWIRE) -- **C-Bond Systems** (the "Company" or "C-Bond") (OTC: CBNT), a nanotechnology solutions company, today announced that its EPA registered MB-10 Tablets® have received a usage designation from the EPA for transportation applications. MB-10 Tablets are a broad spectrum disinfectant effective against a wide range of bacteria and viruses, including SARS-CoV-2, which causes COVID-19.

MB-10 Tablets are safe for hard, non-porous surfaces such as glass, plastics, sealed fiberglass, consoles, A/C, door handles, seating and seat belts, LED/LCD screens and electronics, and a wide range of metal materials, without leaving a residue or odor. MB-10 Tablets, which are easily applied using a commercially available sprayer, effectively disinfect in minutes to provide fast-acting protection that is safe for skin contact and pets.

"Unfortunately, rates of COVID-19 infection continue to climb and therefore the need to disinfect all areas of daily life whenever possible and protect people's health is more critical than ever," stated Scott R. Silverman, Chairman and CEO of C-Bond. "MB-10 Tablets are safe, easily stored, shipped and applied, and, most importantly, they work."

MB-10 Tablets (Reg No.70060-19-46269), included on EPA's List N for use against human coronavirus SARS-CoV-2, are proven effective against emerging viral pathogens, including enveloped and large and small non-enveloped viruses.

Through an exclusive, nationwide distribution agreement with Quip Laboratories, Inc., C-Bond has rights to sell MB-10 Tablets within the verticals it serves, namely transportation. That includes automotive distributors, rental car companies, fleets, public transportation, ride sharing, and more. The Company is also selling MB-10 Tablets through international distribution partners.

EPA takes RFS-related actions to help farmers and refiners

<https://drgnews.com/2021/01/19/epa-takes-rfs-related-actions-to-help-farmers-and-refiners/>

Pierre, SD, USA / DRGNews

Jody Heemstra

Jan 19, 2021 9:09 AM

The U.S. Environmental Protection Agency is taking a number of actions through the Renewable Fuel Standard program to provide certainty to impacted stakeholders. These actions include the following:

- Proposing changes to E15 fuel pump labeling requirements.
- Proposing to modify underground storage tank (UST) regulations to accommodate the safe storage of E15 and higher ethanol blends at retail stations' existing tank systems.
- Proposing to extend the compliance time for certain obligated parties subject to the 2019 Renewable Volume Obligation (RVO) and all obligated parties subject to the 2020 RVO given ongoing economic disruptions as a result of the COVID-19 pandemic.
- Seeking comment on several waiver petitions from Governors and refinery groups pertaining to "severe economic harm" as well as a letter from the National Wildlife Federation pertaining to "severe environmental harm" requesting general waiver relief for the 2019 and 2020 RVOs.

Publication of the rules in the Federal Register will open a 90-day comment period for the public and interested stakeholders to weigh in on the proposed rules and petitions.

For more information on the E15 labeling modifications, please visit: <https://www.epa.gov/renewable-fuel-standard-program/notice-proposed-rulemaking-e15-labeling>

For more information about the UST regulatory modifications, please visit: <https://www.epa.gov/ust/2020-proposed-rulemaking-e15-fuel-dispenser-labeling-and-compatibility-underground-storage-tanks>

For more information about the 2019 and 2020 RVOs deadline compliance extensions, please visit: <https://www.epa.gov/renewable-fuel-standard-program/renewable-fuel-standard-compliance-deadline-extension>

For more information about petitions for waiver requests for the 2019 and 2020 RVOs, please visit: <https://www.epa.gov/renewable-fuel-standard-program/petitions-waiver-2019-and-2020-renewable-fuel-standards>

.....

Environmentalists sue EPA in bid to force stricter lead and copper rule

<https://insideepa.com/daily-feed/environmentalists-sue-epa-bid-force-stricter-lead-and-copper-rule>
January 19, 2021

Environmental and civil rights groups are suing EPA for allegedly failing to reduce the public's exposure to lead in drinking water and are calling on the incoming Biden administration to issue a new lead and copper rule (LCR) that addresses their public health and environmental justice concerns. The groups filed a pair of suits Jan. 15 in the U.S. Court of Appeals for the District of Columbia Circuit, the same day the LCR was published in the *Federal Register*, starting the clock for litigation to be filed. The rule will be effective March 16, but drinking water utilities will not need to comply with the rule's changes until Jan. 16, 2024.

One suit was filed by Newburgh Clean Water Project, Sierra Club, United Parents Against Lead and the NAACP. A second suit was filed by the Natural Resources Defense Council (NRDC). The groups cite comments they filed on the proposed version of the rule as outlining their concerns with the final rule.

Among other things, the final rule lowered the annual lead service line (LSL) replacement rate for drinking water utilities that are unable to prevent lead from leaching into drinking water by changing the chemistry of their water. The Trump EPA has defended the decision to change the replacement rate from 7 percent annually to 3 percent annually by saying that the agency has removed loopholes that previously allowed utilities to replace less than 7 percent and that the new rule will actually increase LSL replacement.

"This rule is a major disappointment," Suzanne Novak, an Earthjustice attorney representing the coalition of groups, said in a Jan. 15 statement. "Communities exposed to dangerous levels of lead in water expected the new rule to focus on removing lead pipes from the ground, the actual remedy to keep families safe. Instead, the new rule took a huge step backwards by slowing down the replacement rate of lead service lines. The Trump administration is failing the country once again, this time as it walks out the door. Children will continue to be poisoned, with no end in sight."

The groups say communities of color are disproportionately affected by lead poisoning, pointing to a Centers for Disease Control and Prevention study that found that 11.2 percent of African American children and 4 percent of Mexican American children are poisoned by lead. The groups say the Biden EPA must hold public hearings in environmental justice and impacted communities to consider their input and chart a path forward to increase protections against lead in drinking water. NRDC says the Safe Drinking Water Act required a hearing to be held prior to issuing the rule but the Trump EPA ignored this legal mandate.

The groups also want a new LCR that includes a maximum contaminant level (MCL) for lead, requirements to monitor and control for lead using best scientific practices, require notification to customers about the constant risk of exposure to lead in water and the limitations of the LCR, and require the expedited removal of all lead service lines across the country.

Prior to 1991, EPA had a lead drinking water rule that set an MCL for lead, which is a health-based limit that also takes into account feasibility and treatment costs. But the 1991 LCR changed the approach for limiting lead in drinking water to a treatment technique rule. The 1991 rule and the new rule both have a 15 parts per billion (ppb) action level for lead. Utilities that exceed this level are required to take additional actions to reduce the corrosivity of their water to prevent LSLs from releasing lead into treated drinking water. The new rule added a "trigger level" of 10 ppb intended to encourage utilities that exceed the level to take early action to reduce lead before exceeding the action level. NRDC says the Biden administration should "[f]ollow the science by setting a new drinking water standard based on updated studies that will ensure every person served by a water system has lead-safe drinking water."

The groups are also calling on Congress to prioritize full LSL replacement by water utilities in infrastructure packages and other legislation to ensure that disadvantaged, low-income communities are not forced to pay for contaminated water. While EPA should expedite the replacement of every LSL in every community across the country by regulation, Congress should also swiftly step in, NRDC says.

NRDC says the House last year passed legislation authorizing \$22.5 billion for lead service line replacement, but the Senate failed to act. Similarly, bipartisan legislation was introduced to fund and require lead service line replacement within 10 years. NRDC urges the Biden administration to work with Congress to enact legislation requiring and funding expedited LSL replacement.

The U.S. Environmental Protection Agency invites PWSA to apply for WIFIA Water Infrastructure Loan

<https://www.sopghreporter.com/story/2021/01/19/news/the-us-environmental-protection-agency-invites-pwsa-to-apply-for-wifia-water-infrastructure-loan/21097.html>

January 19, 2021

The Pittsburgh Water and Sewer Authority (PWSA) has been invited by the U.S. Environmental Protection Agency (EPA) to apply for a Water Infrastructure Finance and Innovation Act (WIFIA) loan. If approved, it would provide 49 percent of the funding needed for critical water infrastructure projects that would lead to the complete restoration of the Clearwell, a large, century old water storage facility.

After submitting a letter of interest in October, PWSA was one of 55 applicants invited to move to the next round for these competitive federal loans. The WIFIA program, established in 2014, funds water infrastructure improvements across the country focused on improving water quality, creating jobs, and ensuring access to clean and safe drinking water.

"We are proud of this recognition from the EPA and appreciate the opportunity to advance to the application process," stated Ed Barca, PWSA's director of finance. "WIFIA funding is highly competitive and our formal application will continue to demonstrate the significance of these projects."

If PWSA's application is approved, the low-interest loan would provide approximately \$127,901,498 to fund a series of once-in-a-generation projects to renew key components of our water production and distribution systems. These projects will strengthen our water system, add needed redundancy, and ensure an uninterrupted supply of quality water.

The capital projects that make up our plan culminate with the restoration of the clearwell and includes rehabilitating the Aspinwall and Bruecken Pump Stations, replacing reservoir liners and cover systems, updating electrical and backup power systems, restoring pump stations, and repairing or replacing various large-diameter water mains throughout the system.

These projects, which total nearly \$250 million, are a significant part of PWSA's \$1.2 billion Capital Improvement Program. They are seeking other funding sources to support the remaining cost of these projects.

Criteria used by the EPA to evaluate projects include project readiness, credit worthiness, and national or regional impact of the project. Their critical water infrastructure projects stood out among 67 letters of interest requesting more than \$9 billion and was selected to move forward due to water quality improvements that will benefit PWSA drinking water customers, ability to meet water quality regulations, create jobs, and support the growth of Pittsburgh's local economy.

"PWSA is embarking upon the largest capital investment in its history. Securing low interest state and federal loans will help to reduce long term costs to our ratepayers," stated Will Pickering, PWSA's chief executive officer. "As a publicly owned and controlled utility, every dollar is reinvested back into the water system, and we will continue to pursue opportunities like WIFIA to keep rates as affordable as possible."

EPA approves new commission for Texas NPDES program

<https://www.watertechonline.com/industry/article/14195770/epa-approves-new-commission-for-texas-npdes-program>

Jan 19th, 2021



Dmitriy Yermishin | Dreamstime.com

The U.S. Environmental Protection Agency (EPA) recently announced that it is approving Texas' request to administer the National Pollutant Discharge Elimination System (NPDES) program for discharges from produced water, hydrostatic test water and gas plant effluent or oil and gas discharges, within the state of Texas. The Texas Commission on Environmental Quality (TCEQ) will take over responsibility of permitting authority for the discharges of oil and gas activities, pipelines and natural gas processing plants that formerly were under Railroad Commission of Texas jurisdiction.

"After a rigorous review process, we are pleased to announce that the state of Texas will take responsibility of this Clean Water Act program," said EPA Regional Administrator Ken McQueen. "This action will help Texas administer a process for the regulated community without unnecessary and duplicative permitting processes and ensure the best environmental and economic outcomes."

"TCEQ looks forward to working on permits pursuant to this program delegation," said Commissioner Emily Lindley. "For the past year and a half staff worked tirelessly to make sure our application was complete and accurate. This delegation will serve Texans well."

EPA and TCEQ both agree that states are best equipped to administer their environmental programs. On June 14, 2019, Governor Greg Abbott directed TCEQ to seek NPDES program authority by signing Texas House Bill 2771. The Governor also ordered the transfer of permitting authority for these discharges from the Railroad Commission of Texas to TCEQ upon approval of program authorization and then transfer of program authority from EPA to the TCEQ.

On Oct. 12, 2020, the Governor of Texas requested NPDES permit program approval and submitted a Statement of Legal Authority, copies of applicable state statutes and regulations, and a Memorandum of Understanding to be approved by the EPA Regional Administrator, Ken McQueen and TCEQ Executive Director, Toby Baker.

On Jan. 11, 2020, the public comment period ended. After a thorough review and consideration of all public comments, EPA determined the state met the criteria of the Clean Water Act and other federal regulations for approval of the requested program authorization.

The Clean Water Act created the NPDES program under which the EPA may issue permits for the point source discharge of pollutants to waters of the United States. The Act requires the EPA to authorize a state to administer an equivalent state program upon the governor's request, provided the state has the appropriate legal authority and a program sufficient to meet the Act's requirements.

More about information the National Pollutant Discharge Elimination System <https://www.epa.gov/npdes>

Kenneth T. Labbe
U.S. Environmental Protection Agency
Office of Public Affairs
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
Office: 202-564-1486
Cell: 202-740-3770